

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DALLMEYER et al. Examiner: Kenny, Stephen

Application No.: 09/820,887 Group Art Unit: 3726

Filed: March 30, 2001 2001P06108US

For: Method Of Manufacturing A Modular Fuel Injector

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW IMPROPER NOTICE OF ABANDONMENT

Sir:

Applicant hereby petitions to withdraw the Notice of Abandonment mailed on September 13, 2005 as being improper since a timely RCE was filed by the Applicant on January 19, 2005 (copy attached).

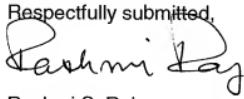
A final Office Action was mailed on August 19, 2004. An Amendment after final rejection was filed on November 19, 2004. The above-mentioned RCE requesting entry of the November 19th Amendment was filed on January 19, 2005. As indicated in the attached Transaction History in PAIR, the USPTO received the RCE on January 19, 2005. However, it appears that this RCE was not scanned into the Image File Wrapper in PAIR; thus, the Notice of Abandonment was mailed.

Since the Applicant timely responded to the final Office Action, the Notice of Abandonment is improper and should be withdrawn.

Furthermore, since a USPTO error resulted in abandonment, Applicant submits that no fee is due. If a fee is due, please charge the fee to Deposit Account 19-2179, under Docket No. 2001P06108US and consider this Petition.

Respectfully submitted,

Oct. 18, 2007



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ATTORNEY DOCKET NO.: 051252-5188

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Michael P. DALLMEYER et al.) Confirmation No.: 4450
Application No.: 09/820,887) Group Art Unit: 3726
Filed: March 30, 2001) Examiner: S. Kenny
For: METHOD AND FABRICATING A)
MODULAR INJECTOR)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop RCE
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

REQUEST FOR CONTINUED EXAMINATION TRANSMITTAL

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114.

Previously submitted:
 Please consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on November 19, 2004. (Any unentered amendment(s) referred to above will be entered.)
 Please consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
 Other: _____

Enclosed:
 Preliminary Amendment
 Affidavit(s)/Declaration(s)
 Information Disclosure Statement
 Form 1449
 Other: _____

2. Miscellaneous

Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

Other: _____

3. Fees Calculation

(a) RCE Fee required under 37 C.F.R. § 1.17(e)

\$790.00

\$395.00 (for small entity)

(b) Extension of Time

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below.

Total Months Requested	Fee for Extension	Fee for Small Entity
<input type="checkbox"/> one month	\$ 120.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 450.00	\$215.00
<input type="checkbox"/> three months	\$ 980.00	\$490.00
<input type="checkbox"/> four months	\$1,530.00	\$765.00
<input type="checkbox"/> five months	\$2,080.00	\$1,040.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Fee Payment

Enclosed is a check in the amount of \$_____.

The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of **\$1240.00**, representing \$790.00 for the RCE filing fee and **\$450** for the second month extension of time fee.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN LEWIS & BOCKIUS LLP

Dated: January 19, 2005

By:


Khoi Q. Ta
Reg. No. 47,300

Customer No. 009629
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09/820,887 Method of fabricating a modular fuel injector

Select New Case	Application Data	Transaction History	Image File	Published	Address & Documents	Attorney/Agent
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Transaction History

Date Transaction Description

- 07-13-2005 Mail Abandonment for Failure to Respond to Office Action
- 07-11-2005 Abandonment for Failure to Respond to Office Action
- 06-21-2005 Correspondence Address Change
- 01-19-2005 Workflow incoming amendment IFW
- 01-19-2005 Workflow - Request for RCE - Begin
- 12-06-2004 Mail Advisory Action (PTOL - 303)
- 12-02-2004 Advisory Action (PTOL-303)
- 11-30-2004 Date Forwarded to Examiner
- 11-19-2004 Amendment after Final Rejection
- 11-19-2004 Workflow incoming amendment IFW
- 08-19-2004 Mail Final Rejection (PTOL - 326)
- 08-17-2004 Final Rejection
- 06-21-2004 IFW TSS Processing by Tech Center Complete
- 06-21-2004 Date Forwarded to Examiner
- 05-13-2004 Response after Non-Final Action
- 05-13-2004 Workflow incoming amendment IFW
- 02-13-2004 Mail Non-Final Rejection
- 02-09-2004 Non-Final Rejection
- 12-01-2003 Correspondence Address Change
- 11-20-2003 Date Forwarded to Examiner
- 12-10-2002 Response after Non-Final Action
- 10-10-2002 Information Disclosure Statement (IDS) Filed
- 10-10-2002 Information Disclosure Statement (IDS) Filed
- 10-10-2002 Preliminary Amendment
- 10-04-2002 Information Disclosure Statement (IDS) Filed
- 10-04-2002 Information Disclosure Statement (IDS) Filed
- 09-12-2002 Mail Non-Final Rejection
- 09-09-2002 Non-Final Rejection
- 08-26-2002 Case Docketed to Examiner in GAU
- 03-20-2002 Information Disclosure Statement (IDS) Filed
- 03-20-2002 Information Disclosure Statement (IDS) Filed
- 07-31-2002 Case Docketed to Examiner in GAU
- 07-05-2002 Transfer Inquiry to GAU
- 07-13-2001 Application Dispatched from OIPE
- 05-10-2001 Application Is Now Complete
- 05-10-2001 Notice Mailed--Application Incomplete--Filing Date Assigned
- 05-10-2001 Correspondence Address Change
- 04-12-2001 IFW Scan & PACR Auto Security Review
- 03-30-2001 Initial Exam Team nn